



INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-1339]

Certain Smart Thermostat Hubs, Systems Containing the Same, and Components of the Same; Institution of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 16, 2022, under the Tariff Act of 1930, as amended, on behalf of EDST, LLC of Lubbock, Texas and Quxet IoT, LLC of Lubbock, Texas. The complaint was supplemented on September 22, and October 5, 2022. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain smart thermostat hubs, systems containing the same, and components of the same by reason of the infringement of certain claims of U.S. Patent No. 10,825,273 (“the ’273 patent”); U.S. Patent No. 10,803,685 (“the ’685 patent”); and U.S. Patent No. 11,189,118 (“the ’118 patent”). The complaint, as supplemented, further alleges that an industry in the United States exists, or is in the process of being established, as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000.

General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Jessica Mullan, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2022).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on October 18, 2022, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 2, 5-11, 14, 15, 17, 18, 20, 21, 23, 25, 26, 28, 29, 31, and 33 of the '273 patent and claims 1, 2, 5-11, 14, 15, 17, 18, 20, 22, and 23 of the '685 patent; claims 1-6, 8-10, and 11-19 of the '118 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “(1) certain smart thermostat devices that serve as in-unit hubs for the remote control of smart door locks, (2) systems including those smart thermostat devices, and (3) internal circuitry, printed circuit boards, and communication components for those smart thermostat devices.”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

EDST, LLC

5214 68th Street, Suite 402

Lubbock, TX 79424

Quext IoT, LLC

5214 68th Street, Suite 201

Lubbock, TX 79424

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

iApartments, Inc.

201 E. Kennedy Blvd., Suite 1925

Tampa, FL 33602

Hsun Wealth Technology Co., Ltd.

11th Floor, No. 47

Qingpu, Qingpu Village, Zhongli District

Taoyuan City, 32056

Taiwan

Huarifu Technology Co., Ltd.

11th Floor, No. 49, Section 1

Qingfeng Road, Zhongli District

Taoyuan City, 32056

Taiwan

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge. The Office of Unfair Import Investigations will not be participating as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: October 18, 2022.

Jessica Mullan,
Attorney Advisor.

